

On motion of Mr. Henderson of Harris, the following communication from his Excellency the Governor was taken from the Speakers table and on motion of Mr. Bee, laid on the table for the present.

EXECUTIVE OFFICE, February 2nd, 1858.

*Gentlemen of the Senate,*

*and House of Representatives :*

I return, without my approval to the House, in which it originated, An Act supplementary to An Act to provide for the investment of the Special School Fund in the Bonds of Railroad Companies Incorporated by the State, approved, August 13th, 1856.

The bill presents one of those questions of doubtful expediency, which in the exercise of the Constitutional prerogative of the Executive, it becomes his duty, for the time being, to arrest.

A controlling reason, if there were no other objection to the bill, is to be found in the fact that it is a departure from the established policy of the country, and directly at variance with the object of the act to which it is proposed as a supplement. That act relates to railroads only, and this supplementary bill to the cutting of a canal between Corpus Christi and Aransas Bays, thus diverting a portion of the funds set apart for a particular given object, and appropriating them to another of altogether a different character, which had been as specifically and definitely provided for by the same Legislature at the

same session. This is fully evidenced by reference to the acts in question. A portion of the 9th section of the act to encourage the improvement of the navigation of the rivers, &c., approved 1st August, 1856, is as follows :

“That money may be raised in the same manner as provided for in this act, for the construction of any canal between two navigable points, and any canal for the construction of which any amount may be raised by private subscription, shall be entitled and subject to all the benefits and provisions of this act, provided,” &c.

If the benefits of the act have not been participated in for the construction of the contemplated work, it is clear from the clause above quoted, that it has been from no fault in the law or those who framed it ; but because of the unwillingness of the parties to comply with its annexed conditions. The concluding proviso to the 9th section of which reads in these words : “And, provided, that no canal or any river, bayou, lake or bay receiving the benefits of the provisions of the act, shall at any time receive or collect tolls for the navigation of the same.”

It seems that a charter had been granted for the construction of this work, with the privilege of charging tolls, &c., prior to the passage of either the Loan or River bill, and that subsequent to their passage, a grant of sixteen sections of land to the mile was made to encourage its completion, and that during the pendency of the Loan bill before the House, July 19th, 1856, an amendment was offered, authorizing a loan to this incorporated company, which was laid on the table.—These facts go plainly to prove that it was not intended by the Legislature to comprehend the work under the Loan bill, nor of its undertakers to avail themselves of the River appropriations, the acceptance of which would necessarily involve the surrender of their chartered privileges, and to that extent their private interests.

If private interests have presented obstacles to the accomplishment of the great public good which it is alleged would result from this improvement, it can scarcely be expected from the State to encroach upon her established policy to build up those same private interests. The bill, however, is a departure from the principle of the Loan policy in respect to the securities demanded by the State. There is no provision for the forfeiture and enforcement of the bond as in the case of Railroad Companies.

The State will have her remedy for the collection of both interest and principal, as they became due through the tedious action of the courts only.

The great object held in view in establishing the loaning policy, was to give the earliest possible communication with the interior, and I cannot see that it is to be advanced in a sufficient degree, by the adoption of this measure, to justify its early abandonment.

H. R. RUNNELS.